

09/22/03

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Date: September 22, 2003

Docket No.: 3156-0119P

MS PATENT APPLICATION
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

This is a Request for filing a continuation divisional
 continuation-in-part application under 37 C.F.R. § 1.53(b) of
 pending prior Application No. 09/335,897 filed on June 18, 1999,
 the entire contents of which are hereby incorporated by
 reference, by Douglas J. CUDNEY, Karen BREITBACH

for

CUSHIONING PADS AND THE FORMATION OF CUSHIONING PADS

1. Enclosed is an application consisting of specification, claims, declaration and drawings/photographs (if applicable).
2. The filing fee has been calculated as follows:

22104 U.S. PRO
 22104/665601



09/22/03

| | | LARGE ENTITY | | SMALL ENTITY | | |
|--|--------------|--------------|------------|---------------|-----------------|----------|
| BASIC FEE | | \$750.00 | | \$375.00 | | |
| | NUMBER FILED | NUMBER EXTRA | RATE | FEE | RATE | FEE |
| TOTAL CLAIMS | 15-20 = | 0 | x 18 | = \$0.00 | x 9 | = \$0.00 |
| INDEPENDENT CLAIMS | 1-3 = | 0 | x 84 | = \$0.00 | x 42 | = \$0.00 |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED | | | + \$280.00 | | + \$140.00 | |
| | | TOTAL | | \$0.00 | \$375.00 | |

3. A check in the amount of \$375.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. Enclosed is/are six (6) sheet(s) of formal drawings and/or photographs.
- 6a. A statement claiming small entity status was filed in prior Application No. 09/335,897 on October 14, 1999. See the attached copy of the statement claiming small entity status.
- 6b. The current application qualifies for small entity status.
7. The prior application is assigned to Phoenix Performance Products, Inc..
8. A Preliminary Amendment is enclosed.
- 9a. Priority of Application No(s). _____ filed in _____ on _____ is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on _____.
- 9b. Priority of International Apnl. _____ filed on _____ under the Patent Cooperation Treaty and _____ Application No. _____ filed in _____ on _____ under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.

10. An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.

11. Address all future communications to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

or

Customer No. 02292

12. An extension of time for _____ month(s) until _____ has been submitted in parent Application No. 09/335,897 in order to establish co-pendency with the present application.

13. Also enclosed herewith is the following:

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By James M. Slattery #41,458
James M. Slattery, #28,380

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JMS/SLL/jeb
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Attachment(s)

(Rev. 07/303)